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June 3, 2013

VIA CM/ECF
Hon. Andrew T. Baxter
United States District Court
Northern District of New York
Federal Building and U.S. Courthouse
P.O. Box 7336
Syracuse, NY 13261

RE: Cifonelli v. NYSTEC, et al.
6:11-CV-1062 (MAD/ATB)

Dear Judge Baxter:

Pursuant to your text order dated 5/2/2013, please allow this correspondence to serve as a status report for the above-captioned matter.

Currently, the language of the Settlement Agreement has been agreed to, and the Plaintiff has signed the Settlement Agreement.

I have spoken to Mr. Murphy of Carter, Conboy, Case, Blackmore, Maloney & Laird, P.C., counsel for New York State Technology Enterprise Corporation, who has informed me that he has signed the settlement agreement and has sent out copies to his client for signature and is awaiting their return. Mr. Murphy also informed me that he has mailed a copy of the settlement agreement to Mr. Leach of Goldberg Segalla, LLP, counsel for Employee Network, Inc. (ENI).

I also spoke to Mr. Leach, who informed me that he has not yet received Mr. Murphy's mailing, but that his clients and insurance carrier are prepared to sign the settlement agreement once Mr. Leach receives it.

Once all parties have signed the Settlement Agreement and Release, the parties will submit a Stipulation of Dismissal of this action as ordered.

Respectfully,

/s Daniel Flynn
Daniel W. Flynn, Esq.

cc: Michael J. Murphey, Esq. (Via ECF)
David E. Leach, Esq. (Via ECF)